

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, December 7, 2012
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Norman W. Freeman
Commissioner Jack F. Husted
Commissioner John W. Harris
Commissioner Robert E. Mansell
Commissioner Kurt R. Davis

Director Larry D. Voyles
Deputy Director Bob Broscheid
Deputy Director Gary R. Hovatter
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Jay B. Yokley	2012-0052	Count A:	Obtain 2008 Resident License by Fraud/ Misrepresentation
Jay B. Yokley	2012-0053	Count B:	Apply for 2008 Resident Deer Tag by Fraud/ Misrepresentation
		Count D:	Apply for 2009 Resident Elk Tag by Fraud/ Misrepresentation
		Count F:	Obtain 2010 Resident Deer Tag by Fraud/ Misrepresentation
Dwayne D. Langley	2012-0061	Count A:	Take Wildlife Closed Season
Kent E. Petersen	2012-0062	Count A:	Unlawful Take on Public Land
Kimberly E. Stephens	2012-0058	Count A:	Sale of Live Wildlife

Roll call was taken and the following were present: Dwayne D. Langley.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to

consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Harris moved and Mansell seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Dwayne D. Langley

Docket # 2012-0061

Langley was found guilty by the Yarnell Justice Court for: Count A: Take wildlife closed season; and sentenced: Fined \$250.00.

Case Officer Kohnke was present.

Langley was present and addressed the Commission stating that he was remorseful and accepts the consequences for his actions. The families at the farm rely on him to make good choices.

Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DWAYNE D. LANGLEY TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST DWAYNE D. LANGLEY TO COLLECT THE AMOUNT OF \$500.00 FOR THE LOSS OF ONE (1) JAVELINA; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Harris stated that his motion was lenient because of Mr. Langley's remorse and because the javelina caused damage to the property.

Motion to Amend: Mansell moved and Freeman seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A TWO YEAR REVOCATION PERIOD.

Vote: Aye - Freeman, Husted, Davis
Nay - Harris, Mansell
Passed 3 to 2

Amended Motion: Harris moved and Husted seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF DWAYNE D. LANGLEY TO HUNT IN THE STATE OF

ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **TWO (2) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **DWAYNE D. LANGLEY** TO COLLECT THE AMOUNT OF **\$500.00** FOR THE LOSS OF **ONE (1) JAVELINA**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Husted, Harris, Davis
Nay - Freeman, Mansell
Passed 3 to 2

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Jay Brett Yokley
Docket # 2012-0052

Yokley was found guilty by the Cerbat Justice Court for: Citation 235073, Count A: Obtain 2008 resident license by fraud/ misrepresentation; and sentenced: Fined \$220.00 and \$238.00 restitution.

Case Officer Antolik was present by phone.

Yokley was not present, but sent a letter to the Commission stating that he was regretful of his actions, that he didn't know he was breaking the law, and that he was cooperative in the investigation.

Mr. Elms provided each Commissioner with a copy of the letter; however, Chairman Freeman read the letter aloud for the record.

The Commission discussed that Mr. Yokley had a fishing license in Georgia, and so he did apply for a resident license in two states.

Motion: Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JAY BRETT YOKLEY** TO **HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT,

CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

The Commission discussed whether the five years was heavy handed.

Commissioner Davis stated that applying for a resident license in two states displays willful knowledge of committing fraud.

Commissioner Harris added that Mr. Yokley also used his parent's address in Arizona.

Motion to Amend: Mansell moved and Harris seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A THREE YEAR REVOCATION PERIOD.

Vote: Aye - Husted, Harris, Mansell
Nay - Freeman, Davis
Passed 3 to 2

Amended Motion: Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAY BRETT YOKLEY TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Husted, Harris, Mansell
Nay - Freeman, Davis
Passed 3 to 2

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Jay Brett Yokley
Docket # 2012-0053

Yokley was found guilty by the North Valley Justice Court for: Citation 235079, Count B: Apply for 2008 resident deer tag by fraud/ misrepresentation; Citation 235077, Count D: Apply for 2009 resident deer tag by fraud/ misrepresentation; and Citation 235075, Count F: Obtain 2010 resident deer tag by fraud/ misrepresentation; and sentenced: Fined \$789.00 combined and \$644.00 restitution.

Case Officer Antolik was present by phone.

Yokley was not present.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JAY BRETT YOKLEY TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Kent E. Petersen
Docket # 2012-0062

Petersen was found guilty by the North Canyon Justice Court for: Count A: Unlawful take on public land; Count B: Failure to inspect traps daily; and sentenced: Fined \$400.00.

Case Officer Felish was present.

Petersen was not present.

Motion: Husted moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF KENT E. PETERSEN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST KENT E PETERSEN TO COLLECT THE AMOUNT OF \$250.00 FOR THE LOSS OF ONE (1) COOPER'S HAWK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Kimberly E. Stephens

Docket # 2012-0058

Stephens was found guilty by the Safford Justice Court for: Count A: Sale of wildlife; and sentenced: Fined \$79.00.

Case Officer **Pelto** was present by phone.

Stephens was not present.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **KIMBERLY E. STEPHENS TO HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **THREE (3) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 3:22 p.m.

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